



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,347	02/20/2002	Henri-Charles Deborde	1759073	7717

7590 06/14/2004

Victor A. Cardona  
Philip E. Hansen  
Heslin Rothenberg Farley & Mesiti P.C.  
5 Columbia Circle  
Albany, NY 12203

EXAMINER

PHAN, HAU VAN

ART UNIT	PAPER NUMBER
----------	--------------

3618

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/079,347	Applicant(s) DEBORDE ET AL.	
	Examiner Hau V Phan	Art Unit 3618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4,6,7,13-16 and 20-29 is/are pending in the application.
- 4a) Of the above claim(s) 2,6,7,13,14,16 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,15,21-23 and 25-29 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Acknowledgment***

1. The amendment filed on 5/12/2004 has been entered.
2. The request for continued examination filed on 5/12/2004 has been considered.

### ***Claim Objections***

3. Claim 24 is objected to because of the following informalities: Line 2, the phrase "a front end" should be changed to – the front end --. Appropriate correction is required.

### ***Election/Restrictions***

4. Claim 24 should be withdrawn due to the recitation "lowermost point of the recess is longitudinally located at a distance further from the rear end of the recess than from the front end of the recess" that fall into figure 9, as being drawn to a nonelected species.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 20, the phrase "wherein said first part is inclined toward said front of said lower gliding surface and said topsheet at an angle different than said second part is inclined toward said rear of said lower gliding surface and said topsheet" is not clear, whether said first part, said second part are the same with a first lower part and a second lower part and the last sentence after "than said second part" is not necessary to have it.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1, 3-4, 15, 21-23 and 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Commier et al. (5,280,943).**

Commier et al. in figures 1-18 and 26, disclose a board for gliding downhill skiing comprising a lower gliding surface (1) having a sole plate bordered by metal edges (4, 5) and a top sheet (7) substantially parallel to the lower gliding surface on either side of the center longitudinal plane of the board. The topsheet comprises an underfoot zone (section C-C and E-E, figures 1-2 can be considered underfoot zone). The underfoot zone is being located in the central longitudinal plane of the board to allow the underfoot zone to receive a binding and the underfoot zone is being configured to receive the binding (figure 26). Commier et al. also disclose lateral faces (2, 3) extending between

the metal edges and the top sheet. The lateral faces have recesses (as shown in figures 3-9), which are located below the plane of the top sheet and opening out in the top sheet. The recesses are being open toward the plane of the topsheet and toward the lateral faces. The recesses located in the underfoot zone. Wherein the base of the recesses forms a slope that is inclined longitudinally relative to the lower gliding surface and the top sheet.

Regarding claim 3, Commier et al. disclose the base of the recesses, which is inclined toward the rear and the bottom of the board (as shown in figures 3-9).

Regarding claim 4, Commier et al. disclose the base of the recesses having a slope that is substantially constant over the greater part of a length of the gliding board (as shown in figures 6-7).

Regarding claim 15, Commier et al. disclose the recesses having a width, which is measured in the transverse direction of the board. The width can vary over the length of the recesses (as shown in figures 5-7).

Regarding claim 21, Commier et al. disclose the recesses having a central portion, which is inclined longitudinally relative to the lower gliding surface and the topsheet.

Regarding claim 22, Commier et al. disclose the recesses having a lowermost point. The lowermost point forms a limit between a first portion inclined toward a front of the lower gliding surface and the topsheet and a second portion inclined toward a rear of the lower gliding surface and the topsheet.

Regarding claim 23, Commier et al. disclose the recesses having a lowermost point, which is longitudinally located along the recess at a distance further from the front end of the recess than from a rear end of the recess (see figure 10).

Regarding claim 25, Commier et al. disclose the recesses having a plurality of lower surfaces and wherein the base is one of the surfaces and wherein the base is separated from the topsheet by another surface of the plurality of the lower surfaces (as shown in figures 3-9).

Regarding claim 26, Commier et al. disclose the recesses, which are bounded on three sides.

Regarding claim 27, Commier et al. disclose the central portion of the recesses, which is separated from the topsheet by inclined longitudinally portions.

Regarding claim 28, Commier et al. disclose the recesses, which are longitudinally limited.

Regarding claim 29, Commier et al. disclose the recesses, which are bounded by front and rear surfaces. The front and rear surfaces being located in the underfoot zone.

### ***Allowable Subject Matter***

9. Claim 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

10. Applicant's arguments with respect to claims 1, 3-4 and 15 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on 703-308-0885. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP

*Haugham*  
*6/9/04*